

UTAH DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1588 West North Temple
Salt Lake City, Utah 84116

IN THE MATTER OF THE VIOLATION OF THE)	
UTAH MINED LAND RECLAMATION ACT,)	EMERGENCY CESSATION ORDER
TITLE 40, CHAPTER 8, U.C.A., BY SUM)	AND
COMPANY AT THE OLJETO (CHUM) MINE,)	ORDER TO SHOW CAUSE
SECTION 36, TOWNSHIP 43 SOUTH, RANGE)	
14 EAST, SAN JUAN COUNTY, UTAH.)	CAUSE NO. ACT/037/029

THE BOARD OF OIL, GAS AND MINING TO SUM COMPANY AND ALL PERSONS
INTERESTED IN THE OLJETO (CHUM) MINE, SECTION 36, TOWNSHIP 43 SOUTH, RANGE 14
EAST, SAN JUAN COUNTY, UTAH.

This matter came before the Board on February 26, 1981 at 11:30 a.m. in the
Wildlife Resources Auditorium, 1596 West North Temple, Salt Lake City, Utah.

The following members of the Board were present:

Chuck Henderson, Chairman

Max Farbman, Present but not participating in this order

Edward Beck, Board Member

John Bell, Board Member

Thad Box, Board Member

Ray Juvelin, Board Member

Steele McIntyre, Board Member

For the Division of Oil, Gas and Mining:

Cleon B. Feight, Director

Denise A. Dragoo, Special Assistant Attorney General

James W. Smith, Coordinator of Mined Land Development

D. Wayne Hedberg, Reclamation Hydrologist

Mary Ann Wright, Reclamation Biologist

For Sum Mining Company, by:

A.J. Coffman, Jr.

Joe Stocks, Sum Mining Company

Phyllis Cortez, Sum Mining Company

The Board, being advised in the premises hereby enters the following findings of fact and conclusions of law:

1. The Board has jurisdiction over this matter and has followed proper notice and hearing procedures in accordance with the Utah Mined Land Reclamation Act, 40-8-1 et. seq., Utah Code Annotated, 1953.

2. On January 7, 1981, the Division of Oil, Gas and Mining inspected a uranium operation referred to as the Oljeto (Chum) Mine in San Juan County, Utah. During such inspection it was determined by the Division that the operators at the Oljeto (Chum) Mine were discharging mine water into an ephemeral wash and operating without an approved mining and reclamation plan.

3. The Division discussed this matter with the Board of Oil, Gas and Mining at its January board hearing. The Board was advised of the possibility that mine water discharged from the Oljeto (Chum) Mine was contaminated at levels above the maximum acceptable State radiological water quality standards.

4. The Board determined at its January hearing that it would authorize the issuance of an Emergency Cessation Order pursuant to Section 40-8-6(c), Utah Code Annotated, 1953, should the water sample taken by the Division demonstrate that the water discharge could pose a threat to human health or property near the mine site.

5. A State analysis of mine water discharge from the Oljeto (Chum) Mine was received by the Division during the first week of February, 1981, and demonstrated contamination at levels above the maximum acceptable state radiological water quality standards.

6. The Board issued an Emergency Cessation Order on February 5, 1981 requiring the Sum Company, its officers, employees, and agents to immediately suspend mining operations, discontinue pumping water from the site and secure the property, so as to prevent people or livestock from approaching the area affected by the irradiated mine water discharge. The Board further required the Sum Company to appear before them on February 26, 1981 to show cause why the Board should not find the company in violation of the Utah Mined Land Reclamation Act for failure to obtain an approved Notice of Intent to conduct mining operations at the Oljeto (Chum) Mine.

7. A meeting was held on February 11, 1981 at the Division offices between members of the staff and representatives of the Sum Mining Company. During that meeting it was suggested to the Sum Company and agreed upon that a survey would be conducted to determine the extent of surface disturbance involved in the mining operation to determine whether the mining activities were exempt from the Utah Mined Land Reclamation Act. It was also agreed that responsibility for handling the mine water discharge problem would remain with the Division of State Health.

8. The issues presented to the Board today are as follows:

a. Has the Sum Mining Company taken measures to secure the mining site and property to prevent people or livestock from approaching the area affected by irradiated mine water discharge? And if so, are such activities sufficient to allow the Board to lift the Emergency Cessation Order issued pursuant to Section 40-8-6(c), Utah Code Annotated, 1953?

b. Is the area disturbed by mining activities at the Oljeto (Chum) Mine less than 2 acres and therefore exempt from the filing of a mining and reclamation plan under the Utah Mined Land Reclamation Act?

c. If the mining activities at the Oljeto (Chum) Mine constitute less than 2 acres of disturbance, what reclamation requirements must the Sum Company meet to satisfy its obligations as a sublessee of State mineral lands?

CONCLUSIONS OF LAW

1. The Board hereby finds that the Sum Mining Company has taken adequate abatement measures necessary to secure the property to prevent people or livestock from approaching the area affected by irradiated mine water discharge. These measures include fencing the contaminated area and posting signs warning of possible danger. The Division of State Health has taken responsibility for handling the mine water discharge problem which remains. Therefore, the Board lifts its Emergency Order of February 5, 1981.

2. The Board finds that the certified survey submitted by John E. Keogh, Utah Registered Land Surveyor, #1963, demonstrates that the area disturbed at the Oljeto (Chum) Mine was less than the 2 acres of disturbance required to include such activities within the scope of "mining operations" as defined at 40-8-4(6) Utah Code Annotated, 1953. Therefore, neither the Board nor the Division may require a mining and reclamation plan under said Act. However, the Sum Mining Company should file a declaration of exemption with the Division of Oil, Gas and Mining.

3. A 1978 Memorandum of Understanding between the Division of Oil, Gas and Mining and the Division of State Lands provides that the Division of State Lands will assume jurisdiction of reclamation requirements for mining activities on State lands which disturb less than 2 acres or which result in less than 500 tons of production mined in a period of twelve consecutive months. Therefore, the Sum Mining Company must consult the Division of State Lands concerning the satisfaction of any further reclamation requirements at the Oljeto (Chum) Mine, San Juan County, Utah.

SO ORDERED THIS 26TH DAY OF FEBRUARY, 1981, BY THE BOARD OF OIL, GAS AND MINING.

CHUCK HENDERSON, CHAIRMAN

THAD BOX

MAX FARBMAN

RAY JUVELIN

EDWARD BECK

STEELE MCINTYRE

JOHN BELL